

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF DIVISION  
HOUSTON DIVISION**

**KAMECHAE D. MCKEEVER,**  
**Plaintiff,**

**vs.**

**EDUCATION COMMISSION FOR  
FOREIGN MEDICAL GRADUATES,  
et al.**  
**Defendant.**

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**CIVIL ACTION NO. H-10-2507**

**DEFENDANTS' MOTION FOR LEAVE TO DESIGNATE SUBSTITUTE EXPERT  
WITNESS ON ATTORNEYS' FEES OUTSIDE OF THE COURT'S DEADLINE**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendants, EDUCATION COMMISSION FOR FOREIGN MEDICAL GRADUATES (hereinafter "ECFMG"), ARTIS ELLIS and BRENT BIGGS, file this Motion for Leave to Designate Substitute Expert Witness on Attorneys' Fees Outside of the Court's deadline, as follows:

**I.**

On July 14, 2010, Plaintiff Kamechael D. McKeever filed her Complaint, asserting Title VII claims against ECFMG of racial discrimination and retaliation and breach of contract, among others, and seeking damages which included "reasonable attorneys fees."

On March 15, 2011, Plaintiff filed her Amended Pleadings, and on March 16, 2011, Plaintiff filed her Second Amended Pleadings. In these pleadings, Plaintiff dropped her sexual discrimination claims against ECFMG. However, Plaintiff continues to assert a claims for "reasonable attorneys' fees."

In accordance with the Court's Scheduling Order, on June 1, 2011, ECFMG prepared its Expert Designation designating its attorney of record, Mr. A. John Harper II, of Morgan, Lewis & Bockius LLP, as its Expert Witness on Attorneys' Fees.

On June 29, 2011, Heidi J. Gumienny and Gordon & Rees LLP were substituted in as attorneys of record for Defendant ECFMG, on motion by ECFMG, in place of Mr. A. John Harper II, of Morgan, Lewis & Bockius, LLP.

Although ECFMG questions Plaintiff's ability to recover attorneys' fees when she is acting *pro se*, should Plaintiff at some point retain an attorney, ECFMG asks the Court to permit it to allow the following attorney to be designated as its Expert Witness in place of Mr. A. John Harper, II:

Steven D. Selbe  
Gordon & Rees LLP  
So. Dist. No.: 18003  
SBN: 18004600  
1900 West Loop South, Suite 1000  
Houston, Texas 77027  
(713) 961-3366

ECFMG's First Amended Designation of Expert Witness is attached as Exhibit "A" and is being filed concurrently with this Motion.

WHEREFORE, Defendants Education Commission of Foreign Medical Graduates, Artis Ellis and Brent Biggs request that the Court grant their Motion for Leave to Designate Substitute Expert Witness on Attorneys' Fees and permit them to designate as substitute expert witness, Steven D. Selbe. Defendants request any other relief, both at law and in equity, to which is it entitled.

Respectfully submitted,

**GORDON & REES LLP**

/s/ Heidi J. Gumienny

Heidi J. Gumienny

So. Dist. No.: 36890

SBN: 24036696

1900 West Loop South, Suite 1000

Houston, Texas 77027

(713) 961-3366 (Telephone)

(713) 961-3938 (Facsimile)

**ATTORNEYS FOR DEFENDANTS  
EDUCATIONAL COMMISSION FOR  
FOREIGN MEDICAL GRADUATES, ARTIS  
ELLIS AND BRENT BIGGS**

**CERTIFICATE OF CONFERENCE**

Counsel for Defendant attempted to confer with Plaintiff Kamechael McKeever on July 6, 2011, and again on July 12, 2011, regarding this Motion, and forwarded Plaintiff a copy of the Motion. However, Defendant was unable to reach Plaintiff and must presume Plaintiff is opposed to this Motion.

/s/ Heidi J. Gumienny

HEIDI J. GUMIENNY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the Plaintiff Kamechael McKeever on July 13, 2011, via certified mail return receipt requested by the electronic filing system of the Southern District of Texas.

/s/ Heidi J. Gumienny

HEIDI J. GUMIENNY